

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

YES LIGHTING LLC a Florida limited	)	
liability corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:19-cv-03982-JPH-MJD
	)	
PSG ENERGY GROUP, LLC a Indiana	)	
Limited Liability Corporation,	)	
	)	
Defendant.	)	

**ORDER GRANTING DEFENDANT’S MOTION TO DISMISS**

Plaintiff Yes Lighting LLC brought this suit in the Southern District of Florida, raising eight claims relating to an LED lighting supplies and installation partnership. Dkt. 1. After venue was transferred to this district, dkt. 32, Defendant PSG Energy Group, LLC moved to dismiss Count IV (intentional misrepresentation), Count V (negligent misrepresentation), and Count VI (fraud in the inducement), dkt. 40. PSG argues that these claims should be dismissed because Yes Lighting failed to plead them with particularity under Federal Rule of Civil Procedure 9(b). Dkt. 41.

Yes Lighting has not responded to the motion to dismiss and the deadline to do so has passed. See S.D. Ind. L.R. 7-1(c)(2) (“A party must file any response brief to a motion based on Rule 12(b), (e), or (f) within 21 days after the motion is served . . . .”). Under Local Rule 7-1(c)(5), “[t]he Court may summarily rule on a motion if an opposing party does not file a response within the deadline.” Because the deadline for motions for leave to amend the

pleadings is December 13, 2019, dkt. 48 at 2, the Court summarily **GRANTS** PSG's motion to dismiss, dkt. [40], **without prejudice** to Yes Lighting filing a motion for leave to amend the complaint. Counts IV, V, and VI are **DISMISSED.**

**SO ORDERED.**

Date: 11/21/2019



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

Kir-Sheng Chen  
Ice Legal  
1015 N State Road 7  
Suite D  
Royal Palm Beach, FL 33411

John Anthony Chiocca  
Cole, Scott & Kissane, P.A  
9150 South Dadeland Boulevard  
Suite 1400  
Miami, FL 33156

Jaclyn Michelle Flint  
RILEY BENNETT EGLOFF LLP  
jflint@rbelaw.com

Martin G. McCarthy  
MCCARTHY & YERSEL, PLLC  
mccarthy@myattorneyservices.com

Kevin Nicholas Tharp  
RILEY BENNETT EGLOFF LLP  
ktharp@rbelaw.com